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# STATE RESEARCH

**BULLETIN 30**



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State Research is an independent group of investigators collecting and publishing information from public sources on developments in state policy, particularly in the field of policing, law, internal security, espionage and the military. It also examines the link between these fields and business, the Right and paramilitary organisations.

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# •NEWS & DEVELOPMENTS•

## Changes in positive vetting

Important changes in positive vetting are being implemented following a review by the Security Commission. The review, the first since the Radcliffe Report in 1962, followed a series of allegations by the journalist, Chapman Pincher, in his book, *Their Trade is Treachery*.

In March 1981, the Security Commission was asked to examine security procedures and practices in the public service and to consider possible changes. The review was carried out by three Commission members, chaired by Lord Diplock. His colleagues were Lord Bridge, a law lord, and Lord Allen, permanent secretary at the Home Office from 1966-72. Unlike the Radcliffe report, the Diplock inquiry has not been published. However, following a commitment given in parliament on 19 May 1982, the Prime Minister published a detailed government statement on the Commission's recommendations (Cmnd 8540, HMSO, £1.90).

The report marks a significant shift in official thinking about the kind of threat the

security services should be dealing with. The external threat from the Soviet bloc still exists, say the commission, but 'the internal threat has altered considerably since Radcliffe. It has become more varied and viewed as a whole has grown more serious.'

This has happened, the commission believes, because the Communist Party has lost membership. This has been accompanied by the proliferation of new subversive groups of the extreme Left and extreme Right (mainly the former) whose aim is to overthrow democratic parliamentary government in this country by violent or other unconstitutional means, not shrinking in the case of the most extreme groups from terrorism to achieve their aims.'

The threat posed by these groups is not connected with any external power. 'They might as well seek to make public information injurious to the interests of this country, not at the behest or for the benefit of any foreign power, but simply to harm this country itself, whether by causing a rift between it and its allies or otherwise, and by these means to

## News and Developments

weaken its defences against the overthrow of democratic government here by force.'

The published statement gives no clue about which groups the commission has in mind or what criteria it is now applying in its vetting and checking. But it is clear that the commission is particularly concerned about possible access to classified information through computers and other advanced information technology.

Among its specific recommendations are: a thorough review of the current classification system for documents, aimed at reducing the amount of material given to top security classification; revision of the departmental manuals on security guidance; a review of existing positive vetting classification to see whether the number of posts in the home civil service requiring positive vetting can be reduced; and the setting up of a committee on security and electronically stored or processed information reporting directly to security chiefs.

## Data protection?

The long awaited government White Paper on Data Protection (Cmnd. 8539) is a brief, deliberately vague document that outlines the minimum requirement that will allow the government to ratify the European Convention on Data Protection. The seven pages of legislative proposals have taken the Home Office over three years to write since the publication of the Lindop Committee's recommendations on Data Protection (Cmnd. 7341) in December 1978. The White Paper formally ignores the recommendation for an independent Data Protection Authority supported by statutory codes of practice for all computer users. Instead the White Paper suggests an 'independent' Registrar, defines no legally enforceable codes of practice for computer users, and substitutes a reliance of civil rather than criminal measures to remedy any abuse of information. The White Paper also raised many organisational questions concerning how 'independent' the registrar will be, and as anticipated in the background paper in *Bulletin* No. 29, allows widespread exemptions for the police and security services. For example, the Police National Computer (PNC), which the Home Office told the Lindop Committee would be able to conform totally to their proposed codes of practice will now have some applications exempt from the 'independent' Registrar's powers.

These exemptions are allowed by the European Convention for two reasons. The first reason, for protecting 'state security, public safety, the monetary interests of the state, or the suppression of criminal offence', has been interpreted to mean that national security computers and those dealing with criminal intelligence will be exempt from any control. Indeed, with the exemption of parts of the PNC, it must be expected that the exemptions will probably be wider than the two mentioned in the previous sentence. Although some of these computers may have to register that they handle personal information, the White Paper allows for it to be appropriate to restrict access (to the information held) by the data subject'. Thus we will be allowed to know that the Metropolitan 'C' Department Computer, used by the Special Branch, collects personal information, but we will be denied any access (direct or indirect) to see what information is held, how accurate it is and how it is used.

The White Paper also allows for the police and security services to collect information from other government computers at will. The paper states that legislation will allow for 'registered data users who make information available to these authorities... will not be required to register such disclosure of information'. In conclusion, the proposed legislation in relation to national security and police matters can be interpreted as being designed more for data protection from public scrutiny rather than the data protection of the public.

The other reason for exemption allowed for by the European Convention allows for 'protecting the data subject or the rights and freedoms of others'. Examples quoted in the White Paper are 'medical cases' or 'sensitive information recorded by social workers'. The White Paper carefully avoids the definition of 'sensitivity' or who will determine what is 'sensitive' or how the fact that the information is 'sensitive' is arrived at in the first place.

The other major omission in the White Paper concerns mixed paper and computer records. This is the situation where the information held inside the computer describes in which filing cabinet the paper-held information can be found. The legislation will mean that the information held in the computer (where the information is) will come under the auspices of the 'independent' Registrar, whilst the information itself (on paper) will be exempt from control. Thus organisations who store

personal information that they feel could be sensitive, will be able to avoid what powers the Registrar has by using mixed systems. Part of the Lothian and Borders police system (*Bulletin* No. 29, 24) is designed in this way.

To summarise, the White Paper does nothing to allay fears concerning personal information and computers. It exempts or offers partial exemption for the computer systems over which most concern had been raised, and offers an obvious loophole for those organisations which in future will wish to handle personal information with the aid of computers.

### State secrecy and public records

The Public Record Office is an important source of historical information for those researching state policy and practice. Public records allow the researcher a unique insight into the thinking, reasoning and discussion behind the making of particular policies and their implementation. Yet, the usefulness of the Public Record Office (PRO) is severely limited by the extensive secrecy which applies almost completely in some areas and to a considerable extent in others. Such secrecy stands in direct contradiction to the openness which the existence of the Public Record Office supposedly represents and seriously limits knowledge of the workings of the state.

#### Public records and the law

As a result of the report of the Grigg Committee in 1954 on public records the Public Records Act 1958 was passed providing that, in general, official records should be opened to the public after a period of 50 years after their closure. The period was reduced to 30 years by the Public Records Act 1967. As a general rule, the law stipulates that records selected for permanent preservation should be transferred to the Public Record Office 30 years after they are closed, but departments can retain records for administrative purposes or 'for any other special reasons'. In either case, the Lord Chancellor is to be informed and has to approve retention. In practice, 'for any other special reason' means national security.

The law also restricts access to public records where such access would involve a breach of faith by the department or where disclosure of the information is prohibited by statute.

#### Scottish records

Neither the Public Records Act 1958 or 1967 applied to Scotland and the separate Scottish Record Office and no similar legislation has ever been enacted. According to the Scottish Office, however, the law is applied administratively to Scotland along exactly the same lines as in England (see Paul Gordon: 'Public Records in Scotland' in *Journal of the Law Society of Scotland*, January 1981). In practice, there is little difference then between the two systems.

#### Early access

The Public Records Act also allows for access to the public earlier than the 30 year period. There is, however, little evidence that this provision is used. In 1980, for example, Christopher Price MP, tabled a series of questions in parliament to discover how many ministers had permitted early access. Of 19 replies received by late December only three (the Prime Minister, Home Secretary and Lord Chancellor) had done so, although it is not possible to assess the usefulness of the material so released or its extent (*The Times* 30.12.80). The Wilson Committee said of the early access provision that 'most officials and outside users seem to be unaware of its existence' and called for far greater use.

#### Obtaining documents

Obtaining documents in the Public Record Office itself is fraught with difficulties. The PRO deals with many different types of documents but this article concentrates on those in the control of the Home Office. The Home Office controls and regulates a whole series of documents covering different areas – prisons, the police, criminal justice and immigration, to name a few. Within these categories there are large numbers of documents which are restricted for 100 years – and sometimes longer. One Home Office file illustrates this point particularly well. *Home Office 144, 1879-1900* contains a number of documents covering disturbances (including election riots, strikes and electoral reform), military aid to the civil power, meetings of 'agitators', illegal arrests, complaints against the police – all contained in 80 papers and closed for 100 years. There are also extensive papers on Ireland and Fenians in the 1880s and 90s which are similarly closed. Papers on nationality and naturalisation are similarly placed. These

papers contain information not only on individual cases but also on general questions of policy and practice. Also included are 100 documents on the police which are closed. These include complaints made, and appointments and dismissals of chief constables. Finally, this file contains a large number of documents on prisons which include files on individual cases, illegal imprisonment, discipline, medical care and conditions. As was explained above, although these records are closed for 100 years, the Home Office will entertain applications to see items which are over 75 years old. However, the criteria applied to candidates and the politics of who actually makes the decision to allow an individual access are themselves kept secret.

#### Selection procedures

The enactment of what is often misleadingly called the 'Thirty year rule' (and its administrative application in Scotland) has not prevented extensive secrecy. In fact, the so-called rule is an administrative norm which is quite unenforceable. Secrecy can therefore be maintained in important areas of state policy.

Departments are supposed to select records for preservation. At first review, which is supposed to take place no later than five years after active use of the record has ceased, departments have to decide whether a record is likely to be used again. If not, a second review would take place 25 years later which would apply criteria of historical value. The Grigg Committee envisaged a second review by the department along with an officer of the Public Record Office.

In practice, there are only eight Public Record Office inspecting officers and over 200 government departments and second reviews are carried out by a variety of staff and according to varying procedures (for an account of procedures by a member of the Grigg Committee see Margaret Gowling: 'Modern public records: selection and access. The Report of "The Wilson Committee" in *Social History*, October 1981). Records can therefore simply be destroyed at an early stage, although it is impossible to assess the extent or importance of this.

Even if not destroyed, records can be retained by departments even if not in use. As noted above, the exception offered by law, 'for any other special reason', in practice means national security.

A number of government departments, including the Foreign and Commonwealth Office and the Ministry of Defence, have special units which scrutinise papers selected for permanent preservation. Other departments use their normal review procedures for weeding. Whatever the method used, departments follow guidelines issued by the Civil Service Department, authorised by the responsible Cabinet Office Committee, on how security matters can be identified and treated. These guidelines are themselves secret but they were shown to the recent Wilson Committee on modern public records which said that security material was broadly categorised as automatically releasable, potentially releasable and non-releasable.

The committee found divergences between departments on the retention of records and a lack of awareness in some departments about what had already been published on the subject, in official papers, either in the United Kingdom or abroad. It also noted the practice, begun by the Secretary of the Cabinet in 1967 with the Lord Chancellor's approval, of allowing certain departments concerned with intelligence or security to retain records without making specific requests. Such 'blanket approvals', the Committee said, covered certain classes of records in the Cabinet Office and in other departments 'which affect the security of the State', including defence and atomic energy. (*Modern Public Records*, Cmnd 8024, HMSO, 1981).

The Wilson Committee was assured by the Secretary of the Cabinet that such records were not being destroyed (as had happened to large quantities of records of the Special Operations Executive and Political Warfare Executive after the Second World War) but were being selected for preservation along the lines of other public records. While the guidance issued to reviewers of security and intelligence records said that such records were 'never released' to the Public Record Office, the Committee said it did not interpret this 'as the last word on the subject' and recommended the deletion of the word 'never' from this context. It expressed itself confident that such records would be released in 75 or 100 years time.

On the subject of informal Cabinet records, such as the notebooks of the Secretary (providing, the Committee said, 'an immediate, informal record of Cabinet deliberations used in the preparation of minutes'), the Committee was told that public disclosures would adversely

affect national security and breach the principle of collective Cabinet responsibility. The Committee accepted such arguments but recommended reconsideration of public access after 50 years.

Records can therefore be destroyed or retained by departments. Even if a record is transferred to the Public Record Office, however, it may remain closed for a period longer than 30 years. The law provides for this if a Minister, with the approval of the Lord Chancellor, so decides. The use of such closure is extensive and examples of it in a number of important areas are given below. There is no possibility of appeal against a decision to close a file for longer than 30 years.

### Privileged access

Records which are closed for longer than 30 years can, however, be opened to researchers by special arrangement. Departments vary in their approach to such privileged access and some oppose it on principle. There is a general rule allowing former government ministers (and certain officials, including special advisers) to have access to records which they saw when in office. For others not so privileged a number of hurdles have to be crossed. One researcher had to wait three years before being given access to a file on Trotsky, while another was allowed to read material only in the presence of a police officer (see Colin Holmes: 'Government files and privileged access' in *Social History*, October 1981).

The basis on which people may be given privileged access is not known, although the Home Office has said that all applications are considered on their merits. The person or organisation directing the research must be of academic or scientific standing and 'the aims and objects of the research are of such value as to merit Home Office support'. (*ibid.*) The scope for Home Office control of research is therefore considerable. People granted privileged access may also be required to sign the Official Secrets Act (a legally meaningless action) and give an undertaking to submit drafts of written material. Thus, state control is extensive at every stage of the process. As Holmes concludes, 'the simple and brutal fact is that the concession underlines the power of the state to control the writing of history'.

A further element in the wall of secrecy concerns the files themselves. If a researcher consults a particular file which contains a list

of all the documents relating to a particular subject, then he or she will find, in many cases, that the pages in the files are blank. For example, in the file *PCOM8* which contains items relating to the work of the old Prison Commission, there are various pages blanked out. These pages should contain the number of each individual item in the file and description of what the particular item contains. Instead one page in *PCOM8* states that pieces 1 to 17 are closed until 2021; another that pieces 18 to 24 are closed until 2012; pieces 35 to 53 are closed until 1993; pieces 233 to 246 are closed until 2023, and so on. In other words, a researcher cannot even find out what information a particular item contains, never mind gain access to it in order to consult it.

The next stage in the process, by the authorities, is to fill the page in. Thus, for example, until recently, in *PCOM8* the page containing pieces 173 to 193 was restricted. This has since been opened so that researchers can now see what each individual piece contains. It is possible now to see that these pieces contain amongst other things discussions of particular criminal cases in the late nineteenth and early twentieth centuries, arrangements for executions in that period, and pieces on executioners and their assistants. However, the files themselves are still restricted. Thus piece 178, concerning the use of firearms during an attempted escape from Dartmoor in 1912, is closed until 2013.

It is worth noting that the time-span covered by these documents, the late nineteenth and early twentieth century, is the period when the modern British state crystallised and assumed a recognizable form. The period was important for changes in the system of criminal justice, the consolidation of state bureaucracies, innovations in legislation as well as being a time of major class confrontation. Despite this, many documents, important or otherwise, describing these events from the state's viewpoint, still remain the property of that self-same state.

As was mentioned briefly elsewhere above, it has been established that certain public records have been destroyed. In his recent article cited above, Colin Holmes lists a number of documents which have either been removed or destroyed. For example, some Colonial Office files on Palestine relating to the years immediately following the Second World War have been destroyed by Order of Statute. He

also points out that it is widely rumoured that the small amount of genuinely sensitive material which was written down at the time of the Suez crisis did not survive for long after the event. Furthermore he reveals that Lord Denning said that papers on the Profumo affair had been destroyed but they turned up subsequently in the Cabinet Office. He concludes that, 'the known destruction of records is a matter of concern and this might be only the tip of the iceberg'.

Such restrictions on public records are necessary in many cases, it is argued, because of the 'personal sensitivity' of the documents. While this may be true in certain cases, it would appear that in other cases this excuse is used to override the release of contentious documents where 'personal sensitivity' is minimal. Furthermore, it has been intimated that certain documents have been destroyed because they recorded administrative and institutional abuses which occurred in the past.

### Conclusion

The existence of the public record system is not the same as freedom of information, nor was it ever intended that it should be. Built into the system, as has been shown, were a number of opportunities for departments to circumvent the spirit of the reforming Grigg Report, leaving the Wilson Committee to note that 'in important respects it has been implemented neither in the spirit nor in the letter'.

The system of selection, preservation and access affords considerable discretion to unaccountable civil servants to determine what shall be made public and when, subject to no effective constraints and no formal appeal. Mistakes and maladministration can remain secret as can the undemocratic activities of the intelligence services. By maintaining secrecy the state can protect itself from critical scrutiny in the knowledge that its activities need only be known, if at all, from a safe historical distance.

### Postscript

The government's response to the Wilson Committee report which was published in March (Cmnd. 8531, HMSO 1982) rejected any increased access to public records. It alleged that it was not possible 'to assert with confidence' that there had been serious losses of valuable material and specifically rejected the

Wilson Committee's proposal for the creation of special panels, including historians and researchers, to advise government departments on what records should be preserved. In addition, the White Paper rejected suggestions that a group of Privy Councillors might advise the Lord Chancellor about whether records withheld for more than 30 years should be disclosed to the public. Instead, the Secretary of the Cabinet will advise the Lord Chancellor and this process will remain completely closed, not subject even to the most limited kind of external scrutiny proposed by the Wilson Committee.

The only minor improvement is that the government said that blanket approvals for the withholding of documents will now be given in the first instance for not more than 10 years and every such blanket approval will be subject to reconsideration after not more than 20 years.

In a parliamentary debate on the subject, Christopher Price MP pointed out that it was commonly accepted that much material relating to Suez had disappeared and, that if this was anything to go by, then files on the Falklands crisis would already be going missing 'to save embarrassment to those politicians whom the inquiry may well find guilty of grievous political misjudgment' ( *Hansard* 30.4.82). Price also raised the question of miscarriages of justice, papers on which are generally withheld for longer than the 30 year period. He wanted to know, for example, when he would be able to 'learn the real story' of the Conflait case in which he was closely involved, and how that miscarriage of justice took place.

Price also rounded on the government's suggestion that the Lord Chancellor would be supplied with 'independent advice' about withheld records by the Secretary to the Cabinet. This, he said, was a 'disgraceful response' in that the Secretary to the Cabinet could not be described as 'remotely independent'. On the whole, the response of the government was 'rather thin and intellectually unworthy' and the Select Committee on Arts, Science and Education, which he chairs, hoped to take more evidence on the subject in the near future.

### A new man at the yard

In March, Sir Kenneth Newman, the present commandant of the Police Staff College at Bramshill and former head of the Royal Ulster Constabulary, was appointed to succeed Sir David McNee as Commissioner of the Metropolitan Police. The Labour leader of the Greater London Council, Ken Livingstone, immediately called on the government not to go ahead with the appointment. He argued that given Newman's past record in Northern Ireland, his experience was 'more suited to the control of a para-military force in a city torn by civil war than as police chief in a multi-racial city with parliamentary democracy... five years of Newman could leave the working class areas of our city in much the same state as the Catholic areas in Northern Ireland'. Livingstone's attack brought a predictable response. The Prime Minister, the Home Secretary, Sir Horace Cutler and others rushed to Newman's defence. One MP, Teddy Taylor, urged Francis Pym, then leader of the Commons, to ask the Attorney General to make a statement about legal restraints that might apply to press articles that 'undermine' public officials. Pym promised to refer the matter to the Attorney General.

Newman has had a varied career in the police force. After service in the RAF he worked in the Palestine police before moving to London to become a beat constable based at Bow Street. From there he went on to become a sergeant in the Vice Squad and an inspector in the traffic branch. He then became commander in charge of community relations. In 1968 he was in charge of controlling the anti-Vietnam war demonstrations and in 1973 he went to Northern Ireland where he was Chief Constable from 1976 to 1979.

It was Newman's period in Northern Ireland which has dominated discussion about his appointment as Commissioner. During his period of office there, there was a series of allegations that suspects were being maltreated and beaten up in police custody. In May 1978, Amnesty International reported on 78 cases of maltreatment alleged to have taken place in 1976-77 and concluded that it 'believes that maltreatment of suspects by the RUC has taken place with sufficient frequency to warrant the establishment of a public inquiry to investigate it'. Such a public inquiry, the Bennett inquiry was set up in June 1978 and, although given limited terms of reference by

the then Secretary of State for Northern Ireland, Roy Mason, nevertheless indicated that injuries 'sustained during the period of detention in the police office were inflicted by someone other than the prisoner himself. This is indicated beyond all doubt by the nature, severity, sites and number of separate injuries in one person.' Newman has always argued that Bennett did not produce any evidence of maltreatment and that the great majority of injuries were self-inflicted. However, Peter Taylor, in his book *Beating the Terrorists*, says despite such denials that two things are clear. First, when Newman left the RUC to go to Bramshill morale in the force was low. Second, and more important, in the months following the publication of the Bennett Report, complaints of assault in police custody dropped sharply.

Newman's time at Bramshill has been spent refining and defining a less obtrusive role for the police in the areas of crime and public order. At a conference at the Cranfield Institute of Technology in April 1980 he maintained that the police have certain objectives. One is to enforce the law, but a higher and superior objective is to keep the peace. He cited the example of marches in Belfast where it was a priority to keep the peace but at the same time to achieve a lower priority of law enforcement by less draconian means. This was achieved through video recordings and other means to make retrospective arrests. He also told the conference that he was particularly conscious of the need for agreement about an overall policing strategy. It was difficult to reach such an agreement with 50 different autonomous forces but 'it may be that in a country with a national police force it would be possible to produce a statement of overall policing strategy.'

Like a number of other senior police officers, including John Alderson, Newman sees the police force as being the focal point of a network of collaboration between different state agencies in an effort to combat crime and maintain public order. At Bramshill he instituted a scheme where senior officers on the senior command course, (designed for those likely to become assistant chief constables and chief constables), working in groups of six carry out extensive research into four inner city 'ethnic flashpoint' areas. Each group spends one week in the area and individual officers link up with heads of other agencies and investigate the problems of the area and

evaluate local responses. It is envisaged that the same groups of officers would then carry out similar exercises in Chicago, West Berlin and Italy to see whether anything could be learned from police experience in those countries.

Such an approach allows the police to involve themselves in a whole range of areas and activities which take place at a local or regional level. By presenting such activities as 'preventative' or 'community' policing, the police can establish, and indeed are establishing, a firm bridgehead between themselves and other state agencies. This more subtle approach involving consultation with education authorities, school boards, social work agencies and urban planners, is the likely path that Newman will advocate, at least in public. If such fails, then the riot squads and the Instant Response Units wait, restless as ever, to be called upon and used. Either way, Newman will have a major say in the politics and direction of police work in the 1980s.

### The killing of David Moore

David Moore was killed by a police van during the disturbances in Toxteth on 28 July 1981. He was 23, walked with a limp and was making his way home after visiting his sister. The van ran him down as he walked slowly along a footpath which runs between the backs of houses and wasteground. It dragged him for ten yards and drove off. Eye witnesses stated: 'The vehicle ploughed straight on and struck Moore a terrific blow... It kept going. It did not stop. The lad had no chance to get out of the way'. 'He was dragged along like a rag doll'. Two police officers were charged with his manslaughter.

The trial, held at Mold Crown court in North Wales, lasted nine days. Before the defence presented its case, Mr. Justice McNeill directed the jury to acquit Sergeant Keith Wilkinson, the officer in charge of the van, on the grounds that as there was a risk of ambush, the sergeant understandably concentrated on 'his responsibilities' and was not 'in any sense controlling the driver or participating in the driving'. The judge did not direct the jury to acquit the driver, P.C. James Keenan but emphasised that for a verdict of manslaughter, it would have to be proved that Keenan showed a disregard for life and safety amounting to criminal conduct. He gave the jury the oppor-

tunity to return 'not guilty' at any point. After 30 minutes the jury returned a verdict of not guilty against Keenan.

Given that David Moore was run down some distance from the nearest road, the police tactics of using their vehicles as a means of crowd dispersal are seriously in question. For this was not an isolated incident. Earlier the same day Paul Conroy sustained serious back injuries after being struck by a police vehicle. These incidents followed a decision by the Chief Constable, Kenneth Oxford, to respond 'more positively' to the disturbances. In his Report to the Merseyside Police Committee (18 September 1981) he states that after 25 July:

'It was decided... that vehicles should be used in order to get police resources near to the crowd and reduce exposure to the missile throwers.' (p.4)

On the 28 July, however:

'... it was planned to resort to the use of protected vehicles deployed into the crowd in order to break it up and wherever possible arrest the ringleaders. These tactics were employed up to... the 10 August 1981.' (p.5)

Thus on 29 July:

'O.S.D. landrovers led the sweep supported by fully equipped snatch squads on foot and followed by P.S.U. personnel with shields. This action proved effective.' (Appendix, p.29)

The use of these tactics is well-established in Northern Ireland and has been the subject of major controversy since their introduction. What exactly is meant by an 'effective sweep' by vehicles or 'breaking up' a crowd is not clear, but it seems that physical contact was to be expected and, in the case of Paul Conroy, Oxford appears to justify the injury. In the Appendix to the Report he stated '... a police vehicle driven towards offenders struck a youth who was later arrested.' (p. 27) And in his evidence to Scarman: 'During one sustained attack on police officers, a police landrover was forced to swerve and collide with a male who was running away after a petrol bomb attack.' (p. 41) Thus it is clear that both David Moore and Paul Conroy were run down as a direct result of a change in police tactics and that these tactics were justified, at least in the case of Paul Conroy, by the violence of the rioters.

The Merseyside Police Committee raised the issue of police tactics during the disturbances at its meeting with Sir James Crane,

Chief Inspector of Constabulary. It noted that the use of police vehicles to break up crowds was 'a tactic which required careful control and good supervision'. And in December 1981, the Committee recorded, 'its deep dismay that in spite of all its earnest endeavours to resolve the many issues arising from the disturbances, the exercise has not succeeded in every aspect'. Although it did not specifically mention the tactics of using vehicles for crowd dispersal, the Committee did

record its abhorrence of the use in policing of any form of para-military type equipment such as CS, baton rounds, water cannon or armoured vehicles, believing that the use of such equipment escalates rather than contains street violence... (Minute 157, Police Committee)

### The price of policing

An estimated £2,430m (net) will have been spent on policing in England, Wales and Scotland with the end of the financial year in March 1982. Even though they have no say how this money is spent, ratepayers and tax-payers pay for all of this. Central government in England and Wales will have spent £1,044m and local government £1,279m. In Scotland, the respective figures will have been £106.8m and £99.5m. (This latter figure excludes spending by rate support grant on which, it appears, police grant is not payable. The actual figure is therefore higher.)

### Central spending

The government Supply Estimates for 1981-82 (HC 190, HMSO 1981) divide central government spending into a number of different general categories. Firstly, there is spending on central police services. This includes capital spending on training and education (£1.7m), research (£3.8m), the Police Complaints Board (£0.5m) and scientific and technical support services provided nationally by the Metropolitan Police (£13.3m). The last include the Fingerprints and Criminal Records Offices (£10.3m) and the Central Drugs and Central Illegal Immigration Intelligence Units (£1.0m). In addition there is expenditure of £10.2m on 'special grants for Imperial and National services'. These appear to include the protection of royalty and diplomatic protection, along with other policing functions specific to the capital. These costs are offset by income from, for

example, the Scottish and Northern Ireland Offices' contributions to national services and by the rental paid by police forces for wireless equipment. This gives a net expenditure of £36m.

The largest single head of spending is that of grants to police authorities, assessed at 50 per cent of authorised estimated expenditure. In 1981-82, grants to police authorities were estimated to be £694.7m, with a further £273m going towards the cost of the Metropolitan Police. The total under this head is £967.8m.

Superannuation of police engaged on central support service duties and Assistant Inspectors of Constabulary comes to a net £3.8m.

Training and education comes to £13m, of which £10m is spent on police training centres and £3m on the Police College at Bramshill. Scientific and technical support costs £26.5m, including £6.8m on the Police National Computer, net expenditure under this head comes to £35.8m.

Finally, salaries of the 487 staff of the Police Department of the Home Office come to £4.5m.

The Supply Estimates for Scotland are less detailed but show that £99.5m went in grants to police authorities, with a further £7.2m being spent on central services such as the Scottish Criminal Records Office (£1.3m), the Police National Computer (£1.9m) and the Scottish Crime Squad (£1m).

### Metropolitan police

The cost of the Metropolitan Police, the largest in the country, was an estimated £553m (net). This was made up of government grants of £273m and precepts on the London boroughs of £274m, in addition to a cash balance from the previous year. (As noted above, a separate payment is made for national functions performed and provided by the Metropolitan Police.) On top of this there was extensive capital expenditure of £25m, most of it on land and buildings and communications equipment.

As in any force the single biggest item of expenditure in the Metropolitan Police is wages and salaries. In 1981-82 these were estimated to come to £343.7m, with a further £86m in the wages and salaries of civilian staff. Pensions and superannuation come to £65m, premises (£60.7m), communications and computers (£14m) and transport (£17m).

### Local forces

There are no official, centralised statistics

available on spending by local police forces and few chief constables' reports give any useful financial information. Information is, however, collected and published by the Chartered Institute of Public Finance and Accountancy (CIPFA) (1 Buckingham Place, London SW1E). The figures in Table 1 are taken from *Policing Statistics: Actuals, 1980-81* and show actual expenditure according to information provided by police authorities and the police.

### Expenditure by Police Forces 1980/81

Force	Expenditure		
	met by	per	
		rates/rate	1,000
ENGLAND	Net	grant	pop
	£m	£m	£,000
Metropolitan Police	442.6	219.1	60.4
City of London	15.9	10.7	45.8
Avon and Somerset	40.8	20.7	30.3
Bedfordshire	14.7	7.4	29.2
Cambridgeshire	15.6	7.9	26.7
Cheshire	26.1	13.2	28.1
Cleveland	19.6	9.9	34.5
Cumbria	15.1	7.7	32.4
Derbyshire	26.1	13.2	28.9
Devon and Cornwall	40.0	20.3	29.0
Dorset	16.9	8.5	28.5
Durham	19.4	9.8	32.1
Essex	36.9	18.9	26.7
Gloucestershire	14.4	7.2	28.7
Greater Manchester	96.4	48.8	36.6
Hampshire	41.4	21.1	26.1
Hertfordshire	22.1	11.2	27.2
Humberside	28.1	14.3	33.1
Kent	42.9	22.0	29.2
Lancashire	44.1	22.3	32.2
Leicestershire	23.2	11.8	27.6
Lincolnshire	17.2	8.7	31.9
Merseyside	66.9	34.0	44.1
Norfolk	17.0	8.6	24.5
Northamptonshire	13.8	7.0	26.1
Northumbria	45.9	23.3	31.8
North Yorkshire	19.8	10.1	29.8
Nottinghamshire	30.1	15.2	30.8
South Yorkshire	39.0	19.8	29.9
Staffordshire	29.1	14.8	28.9
Suffolk	16.9	8.5	27.9
Surrey	22.1	11.2	30.5
Sussex	38.1	19.3	29.1
Thames Valley	44.0	22.3	24.7
Warwickshire	12.7	6.4	27.0
West Mercia	26.7	13.2	26.8

West Midlands	88.7	44.9	33.0
West Yorkshire	69.6	35.2	33.6
Wiltshire	13.9	7.0	26.5
<b>WALES</b>			
Dyfed-Powys	11.9	6.1	27.4
Gwent	12.9	6.5	29.7
North Wales	17.3	8.4	28.2
South Wales	41.5	20.8	32.1
<b>SCOTLAND</b>			
Central Scotland	5.6	not known	21
Dumfries and Galloway	3.5	"	24
Fife	7.3	"	22
Grampian	10.7	"	23
Lothian and Borders	24.9	"	29
Northern	7.5	"	29
Strathclyde	78.1	"	32
Tayside	11.6	"	29

The figures for Scotland are taken from the annual report for 1980 of HM Chief Inspector of Constabulary for Scotland and show net grant earning expenditure by each police authority. Figures for the individual police grants made by central government are not available. These are calculated at 50 per cent of authorised expenditure but appears to take into account any rate support grant payable to the local authorities. Thus, as noted above, the total police grant payable by central government in Scotland was estimated at £99.5m, but spending met by rate support grant on which police grant is not payable.

### Where the money goes

The figures published by CIPFA do not however, give a very detailed or useful breakdown of how the money is actually spent on policing. The figures for Merseyside show, for example, only that £1.9m was spent on premises, £3.3m on supplies and services, £2.7m on transport and £58.9m on training, rent and pay for all staff, civilian and police. The HMI's report for Scotland gives a similar breakdown. More detailed information can, however, be obtained, as was pointed out in an article in the *New Statesman* (6.11.81), by use of section 159 of the Local Government Act 1972. This allows 'anyone interested' to inspect local authority accounts during a one week 'public inspection period' just before the annual audit, and make copies of documents including bills, contracts and receipts. It was through use of this section that the *Manchester City Enquirer* unearthed

the Greater Manchester police's purchase of automatic machine pistols. The equivalent in Scotland is to be found in section 101 of the Local Government (Scotland) Act 1973.

Police pay, which accounts for most spending on police, rose by 55.8 per cent between May 1979 and September 1981. In April 1981 a constable was paid between £4,956 and £7,848, sergeants between £7,503 and £8,607. In London, they would receive a further £1,482 in weighting and allowance. At the other end of the scale, chief constables in April 1981 received between £21,195 and £26,175 (*Hansard* 22.10.81). Spending on pay is uniform throughout the country but a report in 1978 showed considerable differences among police forces in other spending.

The report by the Comptroller and Auditor-General showed that an examination of police spending on equipment in 1975/76 revealed wide differences. For communications equipment the highest spending per officer was £218, while the lowest was £95. Vehicles spending ranged from £153 to £66, and uniforms from £87 to £33. When challenged on what the *Guardian* called 'a chaotic picture of police equipment purchasing policies', the Home Office stressed the importance of 'local responsibility and accountability' (*Guardian*, 3.2.78).

Control over police spending is probably one of the most important powers of police authorities. They have to approve the police budget (although they have no discretion regarding expenditure required by central government regulations on, for example, pay) and must agree to spending outside the budget. In this, therefore, lies potential control. Some police authorities have used this. For example, Merseyside police authority refused Chief Constable Oxford's request for over £300,000 for riot equipment after the riots of 1981. As the chairwoman, Margaret Simey, said: 'What we are arguing about is who has the right to spend the money – the chief constable or the elected representatives of the people?' (*Guardian*, 9.9.81).

## Trust Lord Denning?

Every judge on his appointment discards all politics and all prejudices. You need have no fear. The Judges of England have always in the past – and always will – be vigilant in guarding our freedoms. Someone must be trusted. Let it be the judges.

So Lord Denning, the 83 year old Master of the Rolls concluded his 1980 Dimbleby lecture.

Recent events, however, show Lord Denning to be not so unprejudiced or apolitical as he would like to have people believe. In his new book, *What Next in the Law?* (Butterworths, 1982) Denning suggested that those eligible for jury service should be selected in a similar way to magistrates who themselves should compile the jury list for their areas. In his words, 'only sensible and responsible members of the community should serve on juries'. The basis for this argument is that all citizens no longer share the same code of morals, religious beliefs or respect for the law and that many people openly defy the law and attack the police and their representatives. All British citizens are no longer qualified to sit on juries, Denning maintained, because 'the English are no longer a homogenous race. They are white and black, coloured and brown... some of them come from countries where bribery and graft are accepted... and where stealing is a virtue so long as you are not found out'. Denning then cited last year's Bristol riot trial as an example of a jury 'packed' with 'coloured people', claiming that 'black, coloured and brown people do not have the same standards of conduct as whites'.

After threats of libel actions from two black jurors in the Bristol case and widespread criticism, 10,000 copies of the book (which had not been read for libel, as is the normal practice) were withdrawn and, days later, Denning announced that he would retire at the end of the legal year.

Denning's attacks on the courts and the criminal justice system are nothing new. In the Court of Appeal in 1975, dismissing the appeals of the six men convicted of the Birmingham bombings, he remarked that 'the case shows what a civilised society we are. Here are six men who have been proved guilty of the most wicked murder of 21 innocent people. They have no money. Yet the state lavished large sums in their defence. They were convicted of murder and sentenced to imprisonment for life. In their evidence they were guilty of gross perjury. Yet the state continued to lavish large sums on them on them – in their action against the police. It is high time that it stopped. It is really an attempt to set aside the convictions by a side-wind. It is a scandal that it should be allowed to continue' (cited in Denning: *The Family Story* p. 214).

## The Falklands crisis

### Introduction

As we go to press British troops are fighting to recapture the Falkland Islands from the Argentinian forces. Casualties on both sides have been substantial although it is unlikely that we will know for some time just how many have been killed or injured. Whatever the outcome of the crisis and the fighting, the Falklands crisis has been a gross, practical illustration of some of the concerns most central to the work of State Research since it began publishing some four years ago – defence and foreign policy, spending on arms, the arms trade, the control of information by the state, and the lack of democratic accountability of key parts of the state machinery.

This background paper provides a detailed chronology of the crisis up to 19 May and brings together some contextual, background information on particular aspects of the crisis – the disputed history of the islands, the economy, the law of war, Britain's other military commitments, arms sales to Argentina, and the position of the Falkland Islanders vis a vis their 'mother country'.

One of the problems in attempting a chronology at this stage is the inability to be certain about what has happened. Official management of news, for example, has meant that the British public were given to believe that a submarine was in the South Atlantic when in fact it was in Scotland and the loss of two helicopters in a collision was not made known until several days had elapsed. Bearing this in mind State Research will be continuing its coverage of the Falklands crisis in future issues.

### The Falklands economy

The Falkland Islands 'economy' is dependent on one product – wool – and one company – the Falkland Islands Company. There is a certain amount of direct cash aid from the UK and in 1980 this totalled £587,000 in financial aid and £427,000 in technical co-operation (*Hansard* 10.5.82). The Falklands Islands Company, established a century ago, now owns 45 per cent of the farmland, 300,000 of the territory's 650,000 sheep, employs more than half the Falklands' 1,700 inhabitants, acts as a commercial bank, and controls the wool market, local stores and shipping services. The company was part of the fuel distribution group Charringtons, which was taken over by the Coalite Group in 1978.

The Chesterfield-based Coalite Group has a seemingly diverse range of interests: coal, oil, refining, chemicals (including the notorious 245T and its deadly component, dioxin), fuel distribution, Dormobile vehicles, vehicle distribution (Martin Walter), and builders' merchants (Ruymps),

as well as the Falklands Islands Company and the associated firm David Smith & Co, which handles the wool produced in the Falklands.

Wool production in the South Atlantic is not a central part of Coalite's profits (turnover £358 million, pre-tax profit £21.86 million in 1981). The Falklands Islands Company's last published accounts were for 1979 (the lack of up-to-date financial returns is, strictly speaking, a breach of company law). They showed revenue of £2.87 million and pre-tax profits of £410,000. Coalite's chairman C E Needham commented in 1981 that, 'with increasing production costs and depressed wool prices, the return from sheep farming in the Falkland Islands has deteriorated'.

So why should a company with mainly fuel interests in the UK maintain a loss making wool concern, 8,000 miles away? Perhaps Coalite's recent ventures into North Sea oil production give a hint for future offshore oil developments in the South Atlantic.

### **The Falklands and British citizenship**

Just how the government feels about the people who live on the Falkland Islands was made quite clear when it refused to give them British citizenship under the British Nationality Act which comes into force in 1983. When the Bill was being debated in parliament, the government firmly resisted attempts to amend it so as to give all the islanders and their descendants British nationality. Instead, the Falklands were treated in the same way as the other remaining British dependencies and were covered by the newly created British Dependent Territories Citizenship. In the House of Lords, Lord Hunt attempted to argue, not that all the inhabitants of the dependencies should be given British citizenship which carries with it a right of abode in the UK, but that an exception should be made for the Falklands. Only they, he said, of all the dependencies were 'incontestably of British stock' (*Hansard* 7.10.81).

The government, however, would have none of it. Lord Trefgarne, one of the two Foreign Office ministers who did not resign after the Argentinian invasion, told parliament that 'however strong the affection the fact remains that the Falklands are not and never have been a part of the United Kingdom'. He later argued that to make a special case for the Falkland Islands would create a precedent for concessions for other dependencies which would jeopardise the whole scheme of the legislation. In the event, there was a tied vote on the amendment which therefore fell, as no amendment can be carried unless there is a majority in favour.

The majority of the Falkland Islanders will, however, become British citizens under the new law as they are 'patrials' and therefore have the required 'close connection' with the UK. Only about 400 islanders will become British Dependent Territories Citizens without any right of abode in the UK and precious few others.

Perhaps embarrassed by what has occurred, the government has made it clear that despite the legal niceties of immigration and nationality laws, no Falkland Islander will have 'any difficulty over admission to this country' (*Hansard* 8.4.82). They will be admitted for settlement and there

will be no restriction on their taking employment.

In 1968 – Human Rights Year – thousands of British passport holders, effectively threatened with expulsion from East Africa, were not greeted with the same enthusiasm. Their right to enter, live and work in the UK was summarily taken away by the Commonwealth Immigrants Act. Fourteen years later, many of them are still waiting for admission. They were, of course, black.

### **Britain's military adventures**

The Falklands war is Britain's 88th since 1945, and far from being the atypical, 19th century throwback that the government characterises it, there are likely to be many more to follow it.

The Falklands fiasco is unique in its scale: the largest instant aggressive mobilisation by Britain since Suez, and the world's biggest sea battle since 1945. But an analysis of military records shows that this is at least the 88th armed overseas intervention that Britain has carried out since World War Two 'ended' in 1945 (many of these post-45 operations were in fact part of the process of redirecting Third World governments in line with wartime super-power agreements).

Most of the 88 wars (this is a provisional figure as there are almost certainly several more lurking undiscovered in the record books) have been low-key campaigns against opponents of the pro-Western governments that Britain was trying to leave behind as it withdrew from its colonies. The Falklands conflict is only Britain's fifth 'war' in the strict sense of the term: independent states fighting each other (the other four were in Korea 1950-53, Suez 1956, Kuwait 1961 and Indonesia 1962-66). The other major type of intervention has been to help local police forces keep order during riots and strikes.

These 88 conflicts have taken place in 51 countries, a quarter of the total number of countries in the world, and nearly all of them in Africa, the Middle East, South East Asia, the Far East and around the Caribbean.

Britain's longest-running post-45 overseas campaign (leaving aside nearly 13 years in Northern Ireland) has been that in Malaya from 1948-60. Over 500 British service personnel died and the RAF flew 376,000 sorties during this major war against communist insurgents, now regarded as the classic of its kind (by the British military, at least, who advised the Americans to adopt similar tactics during their similar war in Vietnam).

Other major campaigns have been those in Java and Sumatra and in Palestine in the 1940s, Kenya 1952-6, Cyprus 1954-9, and again in the 1960s, Aden sporadically from 1955 until the final retreat in 1967, Muscat and Oman from 1957 intermittently until the late 1970s, Borneo 1962-6, and, of course, Northern Ireland from 1969.

Not included in our list of wars is the invasion of a neutral Atlantic island by the Royal Navy in 1955. This is not counted as a war as the only injured parties were a few disturbed sea birds, the tiny island of Rockall otherwise being an uninhabited lump of rock. The seizure of Rockall by the

British was seen at the time as something of a joke, but subsequently the ownership of this wave-battered outcrop north west of Ireland has become the subject of verbal hostilities between Britain and Eire as, like the Falklands, its rulers can also now lay claim to the huge undersea mineral and oil deposits that lie around it.

**Colonial wars?**

These are the wars that preceded the Falklands. Where are the British battlefields of the future? For a start there are the 12 other areas, like the Falklands and South Georgia, that are British Dependencies: Hong Kong, Gibraltar, the British Antarctic Territory, St Helena (in the South Atlantic), the British Indian Ocean Territory, Pitcairn Island (South Pacific) and, in the Caribbean, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. After a major war has broken out over the almost-forgotten Falklands, it would take a very brave pundit to say that hostilities of some sort could not develop in some of these quite strategically important zones.

The Caribbean, for example, has recently become an area of great strategic importance to the Americans, where wars, overt and covert, are now being waged to keep communism away from the US mainland and lock Caribbean oil firmly under their control.

Gibraltar has been the subject of intense rivalry between Britain and its geographically-natural government, Spain, for decades, with the border between Gibraltar and Spain closed for many years and more forceful Spanish action deterred mainly by the size of the British garrison on the 'Rock'. With Britain now running down its Gibraltar presence, talks with Spain over the future should have started a few weeks ago but were postponed for the duration of the Falklands war. There were right-wing demonstrations in Spain during the early part of the Falklands crisis demanding that Spain follows Argentina's example and seize the Rock by force.

The British Indian Ocean Territory, south-west of Sri Lanka, includes another small piece of land like Gibraltar in danger of sinking into the sea under the weight of military hardware: Diego Garcia. Although technically British owned, this palm-trees-and-sand atoll is a major American base whose entire indigenous population was forcibly removed by the British a decade ago to make room for the Americans and their huge airfield, naval facilities and communications hardware. From here the US staged their disastrous helicopter raid on Iran to free the Americans held hostage there.

The St Helena group in the South Atlantic consists of three islands: St Helena itself, Tristan da Cunha and Ascension Island. Ascension proved to be the key to Britain's capability to mount the Falklands task force, with its major runway and reasonable port facilities. Ascension, covering just 34 square miles exists solely as a military/communications/intelligence post for the Americans and British. The Americans first moved in during World War Two, returning after the War to set up the substantial facilities

that now dominate the island.

The minute Pitcairn Islands group (population under 70) in the central South Pacific lies on the shipping route between New Zealand and the Panama Canal, but its real significance – like many of these last remaining colonies – is only just being realised as the importance of seabed minerals and fuels that surround them is understood. As the Falklands, South Georgia and St Helena can be used to legitimate British claims to resources in the South Atlantic and bordering Antarctica, so Pitcairn could in the South Pacific and the Diego Garcia group could in the central Indian Ocean.

Britain already claims possession of a wedge of potentially valuable Antarctica – the British Antarctic Territory – lying south of the Falklands and South Georgia. Britain's claim is hotly disputed by both Argentina and Chile, but as long as Britain holds on to South Georgia the UK will be able to argue forcibly that it has paramount rights.

Hong Kong is the major economic centre of the Far East, and is held on a short lease by the British from China. The British military garrison there, the largest outside Europe, carries out extensive internal security operations against the five million strong, largely Chinese population.

**Post-colonial wars**

But these potential trouble-spots are just the last of the colonies; there are many other, nominally independent countries where Britain is heavily engaged militarily and where conflict is often a part of everyday life. Belize on the mainland of Central America is the classic example of the still-occupied former colony.

Belize was a British colony until only last September and was the setting for many violent counter-insurgency actions in the last 35 years. Today there is still a large British garrison there, nominally helping keep neighbouring Guatemala from invading, but also ensuring that the passage to full independence is achieved in a non-communist environment.

Then there is Brunei, on the north coast of Borneo. This small, oil-rich state is virtually a regional office of the Shell Oil Company, with the Sultan the local manager. Liberation and nationalist forces have kept the British supplied and run armed forces of Brunei on their toes for many years, but just to make absolutely sure that things don't get out of hand the British government has in recent years hires out a complete British Army Gurkha Brigade to the Sultan!

At the mouth of the Persian Gulf is Oman, overseers of the vital Hormuz Straits through which a large proportion of the West's oil supplies are shipped. The British have traditionally pulled all the strings in Oman, even stage-managing a coup in 1970 to replace the autocratic Sultan by his more compliant son. Although technically independent of Britain, the Omani armed forces, like Brunei's have been equipped and administered by the British for their battles against their internal opponents.

Also of considerable strategic importance is the island of Cyprus in the

eastern Mediterranean which has taken over some of the anti-Soviet eavesdropping and communications roles that Iran had before its revolution. Despite being claimed by both Greece and Turkey, Britain retains its long-standing military presence on Cyprus.

### Training and support

But these major deployments of Britain's armed forces in the present dependencies and around old friends like Brunei and Oman are just the most publicised tip of Britain's overseas military iceberg. Beneath the surface there is a very extensive network of low-key military assistance stretching into many of the world's remaining developing countries, where the West's raw materials and energy supplies originate.

General Sir Edwin Bramall, due to become Chief of the Defence Staff very soon, made a plea in a major speech in February for more resources to be given to this 'fifth pillar' of military strategy: the provision of behind-the-scenes military assistance to pro-Western, third world governments to help keep them facing in the right direction. Bramall said that military training teams, secondments from the British services, combined military exercises, advice on armed forces organisation and training, loan service personnel and British-supplied training courses 'represent the best possible way of protecting our interests and keeping the balance of power in these crucial areas in a way we would wish to see it, and without the appalling problems of having to deploy sizeable forces on the ground.'

Britain already devotes considerable resources to the 'fifth pillar'. In 1979/80 4,000 officers from non-NATO forces trained in Britain, while 24 countries last year had an average of 24 British officers each loaned to them, and well-equipped military training teams were known to be operating in several others. The object of all this is primarily to ensure that the military forces in possibly unstable countries have British (capitalist) orientations, organisational systems, command structures and values, rather than those of the revolutionary armed forces that might have brought the government to power.

This background support for third world governments, plus judicious sales of military hardware, could, Bramall believes, be a better investment than 'grandiose intervention operations which could be so counter-productive.' As the General said: 'War settles nothing; it usually creates more problems than it solves.'

### How Britain has armed Argentina

The Argentinian armed forces have been extensively supplied with military equipment of various kinds by Britain since the 1960s. This includes 1 second-hand aircraft carrier, *Colossus*, and six second-hand coastal minesweepers; Seacat missiles made by Short Brothers of Belfast; 12 Sea Dart ship-to-air missiles made by British Aerospace Dynamics; 20 Tigercat surface-to-air missiles; 8 Lynx helicopters from Westland Aircraft; 100 sub-machine guns from Sterling Armament Co in 1975; Ferranti Isis sights for aircraft in 1976; Ferranti radar for Lynx

helicopters in 1977; Decca radar and Redifon radio for patrol boats in 1979; and Vickers gear pumps for German frigates ordered in 1980.

Most recently, in 1981, the following equipment was either ordered or supplied: Rediffusion radio systems for naval stations, Rolls-Royce engines for trainer aircraft, Racal-Decca electronic support measures for eavesdropping on radio and radar, Smiths Industries airspeed indicators for counter-insurgency aircraft, and Vosper Thornycroft pneumatic controls for patrol boats and corvettes.

Between 1977 and 1981 Britain had 10% of all international arms sales to Argentina, selling £120m of arms in the last three years. West Germany had 33% (warships and armoured vehicles), USA had 17% (aircraft), France had 15% (aircraft and missiles) and Israel had 14% (patrol boats and aircraft).

Further information on the arms trade with Argentina is available from Campaign Against the Arms Trade, 5 Caledonian Road, London N1 9DX, and in particular Newsletter 54 and Factsheet 32 from which the above information has been extracted.

### War or not war?

In maintaining that Britain is not at war with Argentina over the Falkland Islands, the government has not just been playing with words. A state of war has all manner of legal implications which do not ensue from a mere state of hostilities.

According to Halsbury's *Laws of England* at common law there is no state of war until a formal declaration of war by the Crown, or hostilities have been commenced by authority of the Crown. Once such a state of war exists 'all commerce and intercourse', according to Halsbury, between British subjects and subjects of the enemy or those resident in enemy territory are prohibited except under special licence. Alien enemies, those who voluntarily reside in an enemy state or who carry on business there, have no civil rights whatsoever under British law. Those in the UK are liable to seizure and imprisonment and to deportation, and any such action by the state is not open to review by the courts. In addition, their property may be seized by the Crown and they may not engage in trade and are forbidden from any other dealings which could tend to the detriment of the UK or to the advantage of the enemy. Enemies are not entitled to any redress for any wrong done in the UK and they may not sue in the British courts, although they can be sued.

Commercial dealings are similarly directly affected by a state of war. Contracts made after a declaration of war with an enemy are void from the start and unenforceable even after establishment of peace. Contracts made before war is declared are avoided if not yet executed, but if executed they are not avoided and any remedy necessary is only suspended and revives in peacetime. Partnerships with enemies are dissolved but alien enemies are entitled to a share of the assets. Trading with enemies becomes illegal in wartime, unless done under special licence, and property involved in such trading, whether money or goods can be confiscated.

In addition to the common law on trading during wartime, the Trading with the Enemy Act, passed in 1939, remains in force. This makes it an offence, punishable by up to seven years imprisonment and forfeiture of goods or money involved, to trade with an enemy. This is defined as having 'any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy'. Enemy itself, in this context, is widely defined to include a state with which the UK is at war, an individual resident in enemy territory, or a body or individual carrying on business in enemy territory.

The Act gives the Department of Trade wide powers to search premises and to require the production of information, backed up by criminal sanctions. It could restrict and even wind up business activities carried on in the UK by, or on behalf of, or under the direction of enemies.

War does not, however, change the position of prisoners taken. The third Geneva Convention of 1949 specifically applies either to cases of declared war or to any other armed conflict even if there is no recognised state of war. Thus, when the Prime Minister described Argentine soldiers captured on South Georgia as 'prisoners ... not prisoners of war', she was making a distinction which, in practical terms, was meaningless. However, as was pointed out in *The Times* (3.5.82) a public acknowledgement by the government that the Geneva Convention applies would put Britain in breach of Article 117 of the third Convention which prohibits the use on military service of repatriated prisoners. Britain returned to duty those marines captured by the Argentines and subsequently sent home. At the same time, public acknowledgement of the Convention's application would protect the Falkland Islanders who are covered by provisions of the Convention which offer protection against, for example, being taken hostage.

It would seem therefore that the protestations that Britain is not at war are designed at least in part to limit the conflict to those directly involved on the Islands and at sea and not to extend it to those Argentinian nationals living and working in the UK, and, more important from the government's point of view, those British nationals living in Argentina. At the same time, the refusal to declare war avoids interference in commercial dealings which would have repercussions greater than those of the present suspension of commercial dealings.

### Historical chronology

#### Argentina's view and basis of claim

1493 Pope Alexander VI issues a bull granting territorial rights in the New World to the Spanish crown.

1494 Spain and Portugal sign the Treaty of Tordesillas, under which they divide the American continent between them. The dividing line runs from North to South Poles, 370 leagues to the west of Cape Verde. Everything to the east of the line is to be Portuguese; everything to the west, Spanish.

**Sixteenth Century:** The islands are discovered by European explorers. There is no certainty as to the date of discovery or the identity of the explorer. Fernando

Magellanes and Americo Vespuco are mentioned as possibles.

1764 French explorers occupy the uninhabited and unnamed islands. Many of these sailors came from St. Malo, hence the first name for the islands of *Malouines*, later converted to the Spanish *Malvinas*.

1767 Spain, which had protested at the French occupation, invoking historical and geographic rights, secures French withdrawal. Later in the same year a British party under Byron (grandfather of the poet) lands and establishes a settlement called Port Egmont.

1770 The Spanish crown orders its colonial government in Buenos Aires to expel the British. Negotiations between the two countries avert a war. Britain remains in Port Egmont for a further two years.

1772 The British withdraw from Port Egmont, leaving a plaque which claims the islands for the British crown.

1816 Argentina formally proclaims its independence from Spain.

1820 Argentine forces occupy the islands.

1829 Luis Vernet, born in Hamburg, is appointed military and political commander of the Malvinas by the Buenos Aires government. The British chargé d'affaires in Buenos Aires delivers a note of protest about Argentine occupation.

In the same year Vernet orders the capture of United States ships visiting the islands. The US responds with a brief attack on Puerto Soledad, the seat of the Argentine administration.

1833 *Clio*, a British ship, arrives at the islands and expels the Argentine governor. Mariano Moreno, the Argentine minister in London, presents a note of protest reaffirming the Argentine claim to the islands.

1841 Moreno presents a new protest in London, in what was to become a succession of similar moves. Argentina begins a policy of appending 'reservations' to the international treaties it signed, pointing out that it contested the sovereignty over the islands.

1927 A citizen of the Falklands applies to join the Argentine army. He is accepted.

1939 Argentina adds a reservation on the issue of the islands to the Panama Declaration on an American Security Zone.

1940 Argentina again adds a similar reservation to the Convention on the Provisional Administration of Colonies and European Possessions in America.

1947 A similar reservation is made on the signing of the Inter-American Mutual Assistance Treaty in Rio de Janeiro.

1948 Reservation to the Inter-American Conference at Bogota.

1954 Reservation to the Inter-American Conference at Caracas.

Argentina also based its claim on geography. It says the islands are on the Argentine continental shelf. As such, they must be considered as a geological continuation of Argentine mainland territory.

(The account above is based on *El Territorio Argentino: Cuestiones de Límites*, Buenos Aires 1963.)

#### The British argument

There is agreement with the Argentine version on much of the history of the islands, but important differences in some cases:

On the 1771 negotiations between Britain and Spain: '... in 1771, after protracted negotiations, the Spaniards handed back Port Egmont to Britain, which re-established the settlement but withdrew it again in 1774 on the grounds of economy. The British claim to sovereignty was, however, maintained, and, as was then customary, a leaden plaque left, declaring the Falkland Islands to be "sole

right and property" of King George III. The Spanish settlement on East Falkland was withdrawn in 1811.'

The British also refuse to recognise any lasting claim by the new Argentine Republic. For example: '... a United States warship, the *Lexington*, destroyed the fort at Puerto de la Soledad as a reprisal for the arrest of three American vessels by Vernet, who was attempting to establish control over sealing in the islands. Captain Silas Duncan, declared the Falklands free of all government and they remained again without visible authority.'

The essence of the British claim is summed up in the following statement: 'The British government has stated that it has no doubt of its sovereignty over the islands, which have been continually, peacefully and effectively occupied by Britain since 1833.'

(Based on *The Falklands Islands and Dependencies*, FS/13 Central Office of Information, May 1978)

(This chronology first appeared in *Latin America Regional Reports* 9 April 1982 and is reproduced with kind permission)

### Chronology 1976-82

#### 1976-81 Argentina assesses the opposition

Dec 76 Argentina occupies Southern Thule in the South Sandwich Islands; British Labour government does nothing and keeps the invasion secret until May, 1978.

77 Secret CIA report says that there may be more oil around the Falklands than in the North Sea.

Dec 77 British Labour government secretly sends two frigates to frighten off threatened Argentine attack on Falklands. Joint British/Argentine working party set up on future of the Falklands.

78 Scottish company Christen Salvesen tells Argentinians contract to demolish South Georgia whaling station.

June 80 Argentine Economy Minister comes to Britain for talks on oil and fishing around Falklands. Large companies said to be only waiting for agreement on Islands future before exploiting their resources.

June 81: Defence Minister John Nott announces major cuts in the Royal Navy surface fleet and dockyards.

Dec 81 Campaign starts to stop scrapping of South Atlantic RN Patrol vessel *Endurance*, due to be withdrawn April '82. General Leopoldo Galtieri seizes control of the government in Argentina, committed to annexing the Falklands, if possible before British 150th anniversary celebrations of its colonisation of the Islands in 1983.

#### 1982 Argentina prepares, Britain prevaricates

Late Feb Talks in New York between Argentina and Britain fail to reach agreement - Galtieri warns of possible military action. Argentine Government becomes more aggressive as Britain's capability to defend the Falklands weakens.

March 19 Approximately 50 Argentinian scrap reclaimers land on South Georgia to implement 1978 contract - hoist national flag - British Antarctic Survey team on island tell them to take it down and leave.

March 21 Some of the scrap dealers depart. Argentina sees largest anti-government demonstration since the junta took power in 1976.

March 23 *Endurance* ordered to South Georgia to remove the remaining Argentinians. Falkland Islanders demonstrate inside Argentine airline office in Port Stanley. British government announces more cuts in RN, including 4,000 redundancies: total strength to be reduced by about 14%; Trident programme

blamed by opponents. Foreign Office Minister Richard Luce says 'Britain will defend the Falklands to the best of our ability' and there would be no changes without 'the consent of the islanders'. Shadow Foreign Secretary Denis Healey suggests that *HMS Invincible*, the aircraft carrier recently sold to Australia, could drop by at the Falklands on its way to its new owners.

March 24 *Endurance*, with 40 Royal Marines and two helicopters, arrives South Georgia. Argentines refuse to go and are resupplied the next day.

March 26 British intelligence agents in Buenos Aires obtain Argentine plans for possible attack on the Falklands; passed to Whitehall.

March 28 Two Argentine frigates and supply vessel with 450 marines arrive at or on way to South Georgia. Argentine Foreign Minister Costa Mendez warns of 'grave and serious' situation.

March 29 The Argentine supply ship moored within sight of *Endurance*. US spy satellite shows Argentine invasion force on way to Falklands. British Foreign Secretary says later that Argentina decided to attack on this day. Costa Mendez warns British Ambassador of seriousness of situation.

March 30 Rumours that British nuclear powered hunter killer submarine *HMS Superb* is on way to Falklands. Argentine fleet is at sea. Forty Royal Marines landed at Port Stanley by the Antarctic patrol vessel *John Biscoe*; doubles Falklands marines garrison. Carrington returns from Brussels to Westminster; Healey says 'Government caught with its trousers down.'

March 31 Another large anti-junta demonstration in Argentina - 2,000 arrested. Rumours of RN task force being prepared. The scrap dealers refuse to 'regularise' their position on South Georgia.

April 1 Britain calls meeting of UN Security Council saying that Argentine invasion of Falklands imminent. 11.00pm: Prime Minister Margaret Thatcher returns suddenly to Downing Street.

#### Argentina invades

April 2 Argentina launches seaborne assault on Falklands through Port Stanley. After three hours fighting the 80 Royal Marines surrender with no casualties (Was this a pre-arranged deal between the two governments? it is asked later). Triumphant Argentines start moving in large garrison. British Cabinet 'stunned'; Foreign Office 'shocked and dismayed'; *Guardian* calls it a 'day of spectacular military and diplomatic humiliation'. Government adds to confusion by refusing to confirm invasion until 16 hours after it started and half a day after it had been completed. Defence Secretary Nott denies that the marines had been ordered to surrender: 'No British soldier ever surrenders'. Reagan had spent 50 minutes on the phone before the invasion trying to talk Galtieri out of it. UN refuses to give Britain immediate support. Britain breaks off diplomatic relations and starts assembling task force of 40 ships. *Endurance* weighs anchor and leaves South Georgia to the Argentinians.

April 3 In first Saturday sitting of the House of Commons since 1956 Suez crisis the government is severely attacked. Labour leader Michael Foot appears to call for war. Thatcher announces that the 40-strong task force will begin sailing on April 5; approximately two-thirds of the RN's fighting strength to be committed. Components will be ships from UK plus a flotilla from the group exercising in the Mediterranean; rendezvous point Ascension Island in the South Atlantic (British dependency, given over mainly to US military, 1,000 miles SW of Liberia).

Britain freezes Argentine assets in the UK, bans arms sales (Britain had been major supplier of arms to Argentina) and suspends export credits for new businesses. UN passes a resolution calling for immediate end to hostilities, withdrawal of all Argentine forces for Britain and Argentina to seek a diplomatic solution (Resolution 502). UN Charter, gives all members the right to act in

self-defence (Article 51), backed up by calls to Argentina to uphold its obligations under Resolution 502, without Britain doing the same. The Argentine forces anchored off South Georgia land and battle ensues with the 22 Royal Marines left ashore.

**April 4** Argentinians defeat marines on South Georgia; no British casualties, but three Argentinians killed, plus helicopter shot down and corvette damaged. Brian Frow, Director of the Falkland Islands Office in London, says Foreign Office covering up: 'The suggestion that the FO has engineered this cannot be ruled out'. Privy Council meets in Windsor Castle to draw up requisitioning order for merchant vessels (Requisitioning of Ships Order 1982). The task force to be led by aircraft carriers *Hermes* (due for scrapping) and *Invincible* (already sold to Australia), plus the assault ship *Fearless* (reprieved from disposal only on March 8). Smaller ships in the fleet are also due for disposal. If Galtieri had waited only a few months longer it would have been very unlikely that Britain could have mounted the task force with so many ships due to go. The force could arrive off the Falklands on April 20 (appears it was deliberately slowed down to allow time for diplomatic negotiations). Spanish right-wing call for invasion of Gibraltar; the two-week old Guatemalan government reported to be watching events with great interest – contemplating invasion of their long-coveted neighbour, Belize?

**April 5** Foreign Secretary Carrington and two of his three ministers resign; Nott offers resignation as well but Thatcher refuses to accept. In his resignation letter Carrington says: 'The invasion has been a humiliating affront to this country.' But he says that 'much of the criticism (of the government's handling of the crisis) is unfounded' as nothing could be done in the short space of time to stop the invasion militarily. Francis Pym appointed Foreign Secretary (former Defence Secretary, not as extreme as Thatcher).

First ships of the task force sail from Portsmouth. Thatcher says: 'Failure? The possibilities do not exist'. Commons Select Committees on Defence and Foreign Affairs to investigate the invasion. Passenger liner *Canberra* requisitioned. When it is realised that 400 Falkland Islanders could not settle in Britain under the immigration laws the Home Office says it will make an exception in their case. MoD spokesperson says that the Treasury has given the MoD virtually a free hand to spend money on the task force. Frow of the Falkland Islands Office says 'oil lay at the heart of the Argentine invasion' (statement based on private talks he had with the Argentine national oil company).

**April 6** The immediate jingoistic excitement of the announcement of the task force fades as the difficulties involved in retaking the islands by force are realised. Tony Benn opposes the Labour Party backing for the force. US offers to act as mediator, but British precondition is that Argentina must withdraw. US facilities on Ascension Island secretly made available to British.

**April 7** A 200-mile 'exclusion zone' (blockade) around the Falklands announced by British from April 12; *HMS Superb* (submarine) believed to be there. Several dozen members of the Territorial Army Royal Corps of Transport reported to be driving supplies to south coast ports. Two men fined £50 for throwing tins of corned beef at the Argentine Embassy in London.

**April 8** US Secretary of State Alexander Haig comes to Britain for talks.

**April 9** Haig arrives in Buenos Aires. EEC unwilling to impose sanctions on Argentina. Spain and Britain postpone talks on the future of Gibraltar.

**April 10** After five days lobbying by Britain the EEC agrees to ban all Argentine imports. Thatcher by now has a 'war cabinet' system operating. The task force itself is controlled from *HMS Warrior*, Northwood in NW London, the operations command post for all naval activities. This liaises with the Operations Room in the MoD in Whitehall. Commanding the task force at sea is Rear-Admiral 'Sandy' Woodward. In charge at Northwood is Admiral Sir John Fieldhouse (CinC Fleet),

assisted by Vice-Admiral Peter Herbert (Flag Officer, Submarines), Major-General Jeremy Moore (Major-General, Royal Marine Commando Force), Vice Admiral David Halifax (Chief of Staff to the CinC), Air Marshal Sir John Curtiss (AOC No 18 Group, RAF – in case RAF assistance is needed) and Rear Admiral Peter Hammersley (Chief of Staff, Naval Engineering). For the first time since 1945 this is a show being run by the Navy; this causes a particular problem with press relations, as the Navy has had no real experience of handling the media.

**April 11** Haig leaves Buenos Aires with Argentine offer to withdraw if Britain recalls the task force.

### The blockade

**April 12** British blockade of the Falklands starts, although MoD does not say RN ships – if any – are there. Argentinians appear to stay in port. Haig talks with Thatcher in London.

**April 13** Haig leaves London for Washington. RN now has eleven chartered or requisitioned civilian ships, including schools ship *Uganda*.

**April 14** Commons recalled from recess for third special debate; Foot says he supports the task force; Thatcher says views of the Islanders are paramount. Lord Wigg says in Lords that *HMS Hermes* has been in 'significant' trouble since last week. Container ship *Atlantic Conveyor* to be converted into semi-aircraft carrier.

**April 15** Haig arrives at Buenos Aires late evening. Brazil rebuffs Britain's request for port facilities.

**April 16** EEC imports ban runs for a month from today. Transcript of phone conversation of April 10 between Reagan and Haig leaked; Haig says Britain is main cause of concern and Thatcher is looking for a fight to save face. Galtieri is prepared to offer joint rule. Three British journalists arrested in Argentina for 'spying'. *HMS Hermes* arrives Ascension.

**April 18** Haig in deadlock in Buenos Aires. RAF refurbishing aged Vulcan nuclear bombers, due for scrap, to carry conventional bombs.

**April 19** Thatcher says Argentine peace plan unacceptable. Haig flies to Washington. Cabinet discusses bombing Argentine mainland air bases (considered to be the key to a successful retaking of the Falklands), but appears to decide against it (American pressure?). 1,000 British troops embark in requisitioned ferries; now 2,500 with task force.

**April 20** American newspaper reports task force split, some ships going to South Georgia. Government says Britain has supplied Argentina with £120 million of arms in last three years.

**April 21** Pym tells Commons that Britain still hoping for diplomatic solution, but he has to return to the Commons later to 'clarify' this statement by saying that the use of force could not be ruled out 'at any stage'. Task force commander Sandy Woodward tells journalists that he's going to set up air blockade and that outside the exclusion zone he could not fire first (this causes embarrassment in Whitehall). Pym to go to Washington tomorrow.

**April 22** Two British helicopters appear to be lost in South Georgia during rumoured first landings there by Special Boat Squadron; MoD says later that they collided. Defence White Paper, due to be published on April 28, postponed indefinitely because, Thatcher says, it is 'not complete'. Thatcher defies serious split in Cabinet over what orders to give to task force. Pym and Haig talking in Washington. MoD very agitated about Woodward's remarks yesterday; tries to save face by saying his orders are under constant review. But senior officers in the task force send message to London intermediaries to press ministers not to bog them down with political considerations once fighting starts. Task force strength now 15 surface combat vessels, three submarines, 38 civilian ships and 17 Royal

Fleet auxiliary support ships.

**April 23** British ships now off the coast of South Georgia; *Hermes* and *Invincible* in the area soon; April 26 deadline for action rumoured to have been set. Pym returns from Washington, pessimistic. Tony Benn attacks the sending of the task force and Labour's support for it. First British casualty in task force: Sea King helicopter crew member lost when it ditched.

**April 24** Task force ready off South Georgia. Government announces that no more redundancy notices for workers at Portsmouth and Chatham Naval Dockyards will be issued.

### The boys go ashore

**April 25** British marines retake South Georgia while Costa Mendez (Argentine Foreign minister) en route to Washington to discuss Haig's peace plan. Attacks start with assault on Argentine submarine *Santa Fe* found on surface close to shore; RN then bombard shore and marines go in. Argentines surrender 'without firing a shot'. RN sets up a 'defensive area' around the task force. Four frigates from the Standby Squadron at Chatham being recommissioned.

**April 26** Rumours of SBS landing on the Falklands. 156 prisoners captured on South Georgia, one of whom dies in a 'serious incident'; investigation set up. Woodward gives another injudicious press interview where he talks of South Georgia being 'the run-up to the big match, which in my view should be a walkover'. He also said, contrary to government policy, that he wanted Argentina to fire first. The *Sunday Telegraph* later said (May 2) that on hearing Woodward's remarks 'there cannot have been an Admiral in Britain who did not reach shakily for the decanter'. He was described as 'an admiral out of his depth'.

UN Secretary General says that UN Resolution 502 (see April 2) applied to Britain as much as Argentina.

**April 27** MoD starts preparing 3,000-strong infantry garrison for the Falklands (Fifth Infantry Brigade). Emerges that Thatcher is concentrating so hard on military action that she does not know what response has been made to peace suggestions from the UN. Causes great embarrassment.

**April 28** Woodward gives another interview with the press on the instructions of the MoD to 'correct' his previous statements. Argentina fails to win meaningful support from the Organisation of American States.

**April 29** Cabinet tells Woodward they are not pleased with him. No signs of diplomatic solution. Forces awarded pay rise.

**April 30** Total air and sea exclusion zone around Falklands starts at noon. US abandons mediator role (which Argentina appears never to have found credible) and publicly sides with Britain; will apply sanctions and provide military supplies.

**May 1** Vulcan bomber attacks Port Stanley runway, flying from Ascension, followed by Harriers from the task force. Three Argentine planes shot down; Argentina claims two Harriers. Dogfights over Port Stanley 'like firework night' says Harrier pilot. Argentina retaliates with major air attack on task force, British ship hit. 19 Argentinians killed, 37 injured, British casualties believed light. Reagan says the attack came as a complete surprise to him. Pym arrives in Washington for talks. Five pacifists arrested for throwing mock blood on the steps of the MoD. Two more North Sea ferries requisitioned. Disclosed that Argentina beats Britain 8-0 in the world hockey-on-roller-skates competition in Lisbon.

**May 2** Argentine cruiser *General Belgrano* torpedoed apparently unnecessarily; over 3000 dead; major setback for Britain as other countries react against the sinking. Captain of the submarine *Conqueror* apparently acted on own initiative, but *Belgrano* was well outside the exclusion zone. A diplomatic disaster. Opinion poll published earlier in the day showed greatly increased public support for Tory

Party. Foot turns down offer by PM to tell him details of what is going on on Privy Council terms because he would not then feel free to criticise government policies. Liberals and SDP accept however.

**May 3** British helicopters attack two small Argentine patrol vessels, sinking one, damaging the other, Navy requisitions the *QE2* to take the 3,000-strong Falklands garrison.

**May 4** HMS *Sheffield* hit by French Exocet missile fired from French Etendard fighter; burnt out and abandoned; 20 crew members (youngest aged 18) killed. Sinks few days later while being towed to Ascension. First loss of a major British warship since 1945. The task force's worst day. Ireland calls Britain the 'aggressor' and demands lifting of EEC sanctions. Fourth raid on Port Stanley airport takes place (including run by a Vulcan) as the three previous raids have not knocked it out; this one does not either. Harrier shot down over East Falkland; pilot killed. 73 MPs sign Early Day Motion 442 calling for an immediate truce.

**May 5** Government stunned by the *Belgrano* and *Sheffield* sinkings. Temporary switch back to diplomacy; Pym starts pursuing peace plan proposed by US and Peru. Many countries, especially US, worried about Britain's actions.

**May 6** Argentina rejects the US/Peru peace plan, but Britain also being very tough over the question of sovereignty. Two Harriers mysteriously disappear on patrol in the evening. Local government elections in Britain; Tories do very well.

**May 7** Exclusion zone extended to within 12 miles of the Argentine coast – effectively a blockade. Nimrod maritime surveillance aircraft being deployed to south Atlantic to cover air defence deficiencies revealed in the loss of the *Sheffield*. Argentina now studying a UN peace proposal, while Britain's position appears to have softened.

**May 8** Britain tells Argentina that its last chance to talk had come. Only hope now lies with UN. Task force said to be ready to invade apart from main troop ship.

**May 9** Argentina shifts ground; says sovereignty not now a precondition. Ad Hoc Falklands Island Committee holds first demonstration in London calling for an immediate ceasefire and truce; supporters include MPs, anti-militarist groups (including CND) and others. British captures Argentine 'spy' vessel and Navy bombard military bases on Falkland (ends five-day lull since loss of *Sheffield*). Tory MP calls the BBC 'General Galtieri's fifth column in Britain'. British government declares weather in South Atlantic an official secret.

**May 10** *Pravda* says that the Falklands Islands are like Northern Ireland: both consequences of 'senseless toughness' by British governments. RN bombard area around Port Stanley for second night running. Argentina now taking a softer line on sovereignty and Britain seriously considering UN plan. Tory MPs attack BBC for 'biased' *Panorama* tonight (showing opposition to present actions). MoD annoyed to discover that film of the British attacks on the Falkland is being shown on Argentine TV; how did it get there when there is supposed to be a total exclusion zone isolating the islands?

**May 11** Pope talks of cancelling his visit to Britain, planned for the end of May. RN sinks Argentine supply ship and bombard military positions. *Daily Telegraph* says call-up papers for reservists aged 18-25 are being printed. Argentina now no longer demanding sovereignty in the same way.

**May 12** Argentine mass air raid on task force; three of their Skyhawks shot down, two by new Sea Wolf missile. Bomb goes straight through British warship without exploding. British helicopter lost in 'unrelated incident'. Task force now nearly ready to invade. *QE2* sails. Foot and Healey attack Benn and Judith Hart MP for opposing the task force.

**May 13** National Union of Journalist members in the BBC and ITV attack 'grossly improper' pressure being put on TV reporting by the government. Tory MPs worried about sell-out attack Pym in the Commons. 300 RN communications reservists may be called up and some volunteers accepted. The government,

## Background Paper

worried about losing the 'propaganda war' to the Argentinians, says it will try to arrange for TV pictures to be obtained from the task force.

**May 14** Task force now ready to invade; awaiting the outcome of talks on the UN peace plan. Common feeling is that Thatcher is very keen to invade and does not want diplomacy to succeed. USSR says British exclusion zone is illegal. Fears in the US about the effects of the crisis on US/Latin American relations.

**May 15** SAS raid Pebble Island on the north coast of East Falkland; destroy 11 Argentine light aircraft.

**May 16** Second major anti-war demonstration in London. Britain says that the outcome of the talks will be awaited, while being doubtful of Argentina's willingness to settle. Desperate efforts being made to stop Pope cancelling forthcoming tour. Argentina says it will fight to 'the bloody end' if necessary.

**May 17** British government making it very clear that an invasion is almost certain in the next few days, despite continuing peace talks. The EEC refuses to renew sanctions for more than a week, and Italy and Ireland both abstain from even that agreement. The National Union of Seamen backs an invasion.

**May 18** EEC over-rides Britain's veto on farm prices in a move seen to be a retaliation for events over the Falklands. Invasion thought imminent.

**May 19** Argentina awaits attack in 'defiant mood' as the UN tries one last attempt to settle the dispute and the Pope proposes a joint mass for peace with British and Argentinian church leaders.

## •REVIEWS & SOURCES•

### Books

**Genocide: Its Political Use in the Twentieth Century**, by Leo Kuper. New Haven and London: Yale University Press, 1982, 255 pp., £10.50 cloth. Harmondsworth: Penguin Books, 1981, £2.95 paper.

Genocide is as old as recorded history, but as a crime it did not receive formal recognition until the four-power agreement of August 8, 1945 established the charter for the International Military Tribunal, which sentenced the major defeated war criminals at Nuremberg. Three years later the United Nations Convention on Genocide defined it as harming 'with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.' The definition itself raised difficulties. First, intent had to be present. From that time the denial of intent has been standard equipment in the arsenal of butchers. Secondly, only a part of a group needed to be the intended victim. Did this create ambiguities, or threaten the status of genocide as a special crime above all crimes?

This book is a valuable introduction to genocide, with a 15-page bibliography and reference

to much of the mass slaughter of the 20th century, starting with Turkish murder of Armenians, Stalin's elimination of political, economic and military 'class enemies', and Nazi genocide against the Jews, gypsies and others.

It is sobering to note that much genocide has been perpetrated since World War II. Some of this arose in decolonisation, as in the partition of India, and the Algerian war of independence. Other slaughters were primarily tribal or political: the Tutsi massacre of some 100,000 Hutu, the Indonesian regime's crimes against Communists and later in East Timor, the death of 3 million Bangladeshis in the division of Pakistan, a string of mass crimes in Amin's Uganda, Equatorial Guinea, Cambodia/Kampuchea, and the continuation of the long war of attrition against Indians throughout much of the Western hemisphere.

Such is the scale of the crime of genocide that it requires considerable ideological preparation, and it is during the period of preparation that the intended victims may most effectively be protected. The main obstacle to such protection is the doctrine of non-interference in the internal affairs of sovereign states. Article 2(7) of the UN Charter provides that 'nothing contained in the present Charter

shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.' Although the absolute character of the principle of non-interference is being modified, for example by Chapter VII of the UN Charter, which permits the Security Council the right to impose sanctions against any threat to the peace, nevertheless, as the author illustrates, the UN's Commission on Human Rights condones crimes by 'delay, evasion and subterfuge'. Some of its work appears grotesque. In 1972 a sub-commission, confronted with the expulsion of all Asians from Uganda by Field Marshal/ Private Amin, earnestly debated a draft telegram to him which read: '... the internal affairs of your distinguished country are not a matter for the sub-commission... The sub-commission, fully aware of the magnificent record of your great country in the field of human rights, is convinced that you will give these matters your most careful personal attention...'

Any book on the political use of genocide in the 20th century must be incomplete without discussion of the relationship between genocide and world war. Although the war aim of the conflicting nations may have been unconditional surrender, there is little doubt that one means to that end was to kill as many as possible of the enemy, until the political minds of the enemy leaders were changed. As aerial warfare developed, this mass killing was increasingly visited on civilians (Hamburg, Dresden, Hiroshima) as well as combatants. Who is to say that this was not genocide? Probably the victors, because they framed the definitions in use today.

**Nukespeak: the Media and the Bomb**, edited by Crispin Aubrey, Comedia/ Minority Press Group, 9 Poland Street, London W1V 3DG £2.50. paper.

The 'Nukespeak' of the title refers to the official language of nuclear war; as explained by Paul Chilton, its aim is to familiarise and make acceptable nuclear weapons and war. The arms race is legitimised through 'bogus objectivity' – a factor central to the reporting of the Falklands War, as pointed out by John Pilger in his preface. This collection of essays is arranged in three parts: Datelines, which includes a most useful nuclear chronology since 1979 from Crispin Aubrey; Datelines,

### Reviews and Sources

with analyses of the 'war of words', and Lifelines, with some practical advice on how to change media distortion from Richard Keeble.

The Deadlines section, which forms the core of the book, contains a mix of narrative and analytical accounts of the media's handling of war and peace. The *Observer's* former defence correspondent Andrew Wilson looks at the subtle and varied influences on the defence journalist's output, with the dominance of Chatham House, the International Institute for Strategic Studies and the Royal United Services Institute for Defence Studies. He suggests this dominance can be challenged by peace study groups and academics involving defence correspondents with alternative approaches.

Michael Tracey tells the War Game story, this programme now having been banned by the BBC since 1965. Other examples of BBC censorship are also given: Michael Pentz relates how his Open University lecture on nuclear arms was first banned by the BBC in November 1980, but, after protests, eventually transmitted four months later; Hilary James describes the experience of Schools Against the Bomb with the BBC; and the cancellation of Edward Thompson's 1981 Dimbleby lecture on the cold war is covered in his interview with Crispin Aubrey.

Thompson also refers to the peace movement's challenge to the mass media through its use of 'pre-modern media', such as the pamphlet and the local meeting. This view is assessed in an important and controversial essay from Ian Connell, who tackles some of the contradictions surrounding the media. For example, the problem of how each side – CND and peace campaigners and the Tory cabinet and the Ministry of Defence – imagines the BBC to be 'biased' in favour of the other side. Connell claims that the pamphlet and the local meeting is no substitute for the media's national and international coverage, and points to press treatment of CND's October 1981 demonstration as something of a watershed. By admitting the numbers and variety of the marchers the press adopted a 'critical distance' from official accounts and, whilst not actively pro-CND, coverage was not explicitly and systematically hostile.

This enlightening book is to be welcomed for going beyond the widespread simplistic views of the media to look at the often contradictory role it plays in the ideology of the arms race.

## Pamphlets

**The Nuclear Numbers Game: Understanding the Statistics Behind the Bomb by the Radical Statistics Nuclear Disarmament Group c/o BSSRS, 9 Poland Street, London W1V 3DG. £1.50 (plus 35p p&p).** Another excellent publication from the Radical Statistics Group which exposes the non-neutrality of official data. The booklet shows the crucial role of statistics in justifying successive governments' nuclear war planning, so that statistics can be used to allow us to think about the unthinkable and to justify the unjustifiable. The government has a monopoly of information on military statistics, which it presents in a manner to justify greater numbers and new types of weapons within a 'balance of terror' ideology. The booklet's critical appraisal of the data raises questions of classification, relevance and international comparison in military statistics, as well as the problem of government secrecy. The conclusion is that there is 'no sound statistical basis to arguments for retention of nuclear weapons, even less the acquisition of new ones. The analysis, plus also the consideration of arms conversion, will be of assistance in arguing the case for nuclear disarmament, as is the guide on how to build a picture of the effect of a one megaton attack in your area.

## Books Received

**George Orwell: A Life**, by Bernard Crick. Harmondsworth: Penguin Books, 1982, 656 pp., £2.95 paper. Penguin have added to their 15 volumes of Orwell's works, covering all his novels and essays, by publishing a revised paper edition of Crick's biography, first published by Secker and Warburg in 1980. Its strictly documentary approach, deservedly attracting wide praise, marks the first biography based on access to the archives of this major English literary and political

figure. Orwell's clarity and honesty alone put most contemporaries to shame, and help explain the continuing massive sale of his writings.

**The Health of Nations: A North-South Investigation**, by Mike Muller. London: Faber and Faber, 1982, 255 pp., £3.95 paper. An authoritative and well researched overview of the role of multinational drug companies in the third world, with extended consideration of a rational, alternative world health care programme.

**Waste Away**, by Leslie Chapman. London: Chatto and Windus, 1982, 216 pp., £7.95 cloth. The author of *Your Disobedient Servant* broadens his attack on waste in the Civil Service into a general onslaught on substantial public expenditure as such. This is part of the dialogue of the deaf between an apolitical TUC seeking to preserve jobs at any cost, and the lobby for cutting costs with little or no regard for the unemployed.

**Contemporary French Political Parties**, edited by David S. Bell. London: Croom Helm, 1982, 199 pp., £13.95 cloth. A collection of papers rewritten after a Leeds University Politics Department conference in January 1981, providing a background to Mitterrand's victories. British readers will particularly value papers on the PSU (Unified Socialist Party) since 1968, charting the rise and decline of this independent party, by Vladimir Claude Fisera and Peter Jenkins; and discussion of the French left and the EEC.

**Debate on Disarmament**, edited by Michael Clarke and Marjorie Mowlam. London: Routledge and Kegan Paul, 1982, 143 pp., £3.95 paper. **Disarming Europe**, edited by Mary Kaldor and Dan Smith. London: Merlin Press, 1982, 196 pp., £3.60 paper. **When the Wind Blows**, by Raymond Briggs. London: Hamish Hamilton, 1982, 38 pp., £3.95 cloth. Clarke and Mowlam's collection presents a series of alternative Reith lectures given at the university of Newcastle on Tyne, abridged versions of which appeared in *New Society* late last year. Nearly all the papers are far too short to be persuasive, but there are some useful points of departure in Mary Kaldor's 'Is there a Soviet Threat?', Johan

Galtung's 'NATO and the States of Western Europe', and Michael Pentz on the responsibilities of scientists. Jonathan Dimbleby and E. P. Thompson concentrate on popular consciousness – the former on the role of the media, and the latter comically debunking the 1981 BBC Reith lecturer Professor Laurence Martin, Vice Chancellor of the same Newcastle university. *Disarming Europe* is based on a European Nuclear Disarmament research conference held in Amsterdam in May 1981, and combines descriptions of modern weaponry in Europe with an introduction to possible non-nuclear policies.

Raymond Briggs' comic strip marks a new stage in the popularisation of publishing on nuclear war. His full-page depictions of weapons systems is strikingly menacing, and his sequential graphic work well established, but the search for a mass audience has left his script open to charges of paternalism and sexism.

**Policing in the eighties**, Marxism Today, April 1982. An extended interview with John Alderson. **Police complaints – where to from here?** Anne Dunn, Rights, March/April 1982.

**A police spokesman said...** Inspector MG Lofthouse, Police Review, 12 March 1982. Advice for police on TV interview techniques.

**Police and employee vetting**, Leslie Prince, Police Review, 16 April 1982. Argues that police should be involved in the vetting of all employees engaged in positions of trust.

**Some aspects of the French police**, JR Jammes, Police Journal, April-July 1982.

**Police strike in New Orleans**: a city abandoned by its police, William Bopp and Michael Wiatrowski, Police Journal, April-July 1982. An account of the strikes by police in the late 1970s.

**Human awareness training**, Mike Barnard, Police Review, 30 April 1982. Changes in the Met's training.

## CRIMINAL PROCEDURE/TRIALS

**Not a black and white case**, Martin Kettle, New Society, 23 April 1982. A summing up of the Thornton Heath murder trial.

**Black politics on trial**, Roger Andersen, Leveller 30 April 1982. Background piece on the Bradford 12 conspiracy trial.

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